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BOOK REVIEWS

A MANUAL ON LAND REGISTRATION. With a full, complete annotated copy of the Land Registration Act of the state of Georgia. By Arthur Gray Powell. Atlanta: The Harrison Company. 1917. pp. xv, 449. 8vo.

The Torrens System of land registration would seem to be an ideal method of securing stability in ownership of realty. The old system of recording merely transfers left, as every conveyancer knows, the security of land transactions often in doubt, and the purchaser at the mercy of some forgotten heir or neglected dower interest. All this is done away with by the decree of court, after due notice and other formalities, declaring title to be in the registrant, and all other claims barred forever. The state, to be sure, ordinarily guarantees out of funds supplied by fees that claimants barred through negligence or omission of the registrar shall be indemnified. But such mistakes do not affect the title.

The expense of the system, however, renders resort to it by no means universal, and indeed for many titles it is unnecessary. It seems to be most serviceable in three classes of cases. *First:* Certain classes of city property which change hands frequently or are often mortgaged. The registered title passes easily from hand to hand, and also may be as liquid a security as a stock certificate. These titles it is cheaper and more expedient to register, and thus to avoid the expense and delay of a new search by each careful purchaser who is unwilling to rely on any lawyer but his own. *Second:* Land constantly the prey of vague, shadowy claims of easements, such as the familiar local assertion of rights of way over seashore property to the ocean. By registration these incumbrances are dismissed or at least well defined. *Third:* Certain country property where it is desirable accurately to fix boundaries. Much of the work of the registrar lies here where, owing to the introduction of new lines of street railways or other improvements, land hitherto vacant and of little value has begun to sell by the foot instead of by the acre. Nevertheless, much land will not find its way to the registrar,—for instance, residential rural or urban property which seldom changes hands. Here it is cheaper and often as safe to rely on one's own lawyer.

As late as 1917 fifteen states, Hawaii, and the Philippine Islands had acts based on the Torrens System. The Georgia act of that year has called forth the present volume by one mainly responsible for it. The book is purely local, except for the reprinting of the Uniform Land Registration Act with the notes of the commission. To Georgia lawyers Judge Powell has rendered a valuable service. The divergences in practice between the states, although the same spirit underlies all the statutes, renders it desirable that an equally public-spirited lawyer in each jurisdiction should emulate his example, rather than each bar should be obliged to wait for a *magnum opus*. Especially is this true in view of the limited acceptance of the Uniform Act.

JOSEPH WARREN.

THE LAW AND PRACTICE OF RECEIVERS. By Ralph E. Clark. Cincinnati: W. H. Anderson Company. 1918. Two volumes. pp. lxxxv, 2176.

This is unquestionably the most satisfactory work for the practitioner's use at the present day on the subject with which it deals. Volume one treats of the law of receivers as laid down by the courts, from time to time. The opening chapter is devoted to the origin of receivers and the concluding chapter discusses the duration of receiverships, the removal and discharge of receivers. The various phases and subdivisions of the law of receivers as laid down by the courts are treated in the intervening chapters.

Volume two presents the law of receivers so far as it is controlled by statutes. Those which affect the procedure in receiverships are considered, and a chapter is devoted to those which affect not only the procedure in receivership cases, but also the substantive rights of litigants, claimants and receivers themselves; though limitations of space make it impossible to print the text of the numerous state statutes in full. Volume two also contains the important feature of a collection of about two hundred practical forms, which have been gathered from actual cases pending or adjudicated in the highest courts. A chapter is added on the subject of "Custodians of Alien Enemy Property"; and, in order to present the subject intelligently, the author has touched generally upon the subject of "Trading with the Enemy." He has printed and commented on the United States Trading with the Enemy Act, and referred to the several English Trading with the Enemy Acts, with the decisions under them.

The author's work has, on the whole, been well and thoroughly done, but the book does not entirely escape the besetting sins of modern American law writing, of which we can give only one illustration. At the end of section 507, speaking of contracts of service, the author says: "A specific performance by the receiver would be a form of satisfaction or payment which the receiver cannot be required to make. As well might he be decreed to satisfy the demand for specific performance by money as by the service sought to be enforced." These identical words are repeated as true of contracts generally, in section 517. A different authority is cited for the proposition in the two places where the statement occurs, and there is no cross-reference. The statement which is taken from a decision of the Supreme Court cited by the author under section 517, while true under the particular facts of that case, is not true as a general proposition, and was not stated as such by the court. There seems no doubt that a court might order its receiver to continue performance even of a contract to employ another; and if the contract in question related to property in the receiver's hands, and had created an equitable right therein, as in the typical case of a contract to sell land, it seems clear that it would be the duty of the court to order its receiver specifically to perform the contract.

The mechanical execution of the book leaves nothing to be desired.

A BIBLIOGRAPHY OF MUNICIPAL UTILITY REGULATION AND MUNICIPAL OWNERSHIP. By Don Lorenzo Stevens, M.B.A. Being Volume IV of "Harvard Business Studies." Cambridge: Harvard University Press. 1918. pp. viii, 410.

This is an elaborate and thorough bibliography of a topic of the greatest contemporary interest. The regulation of public utilities and, as the only alternative, public ownership are the rival palliatives of high charges and poor service; and the considerations are much the same whether the contest is staged in nation or in city. The references here given will enable one to study the entire subject or any aspect of it from every point of view. To the statesman, the author, and the debator it will be invaluable; and to the lawyer it is indispensable, since his practice must sooner or later bring him into the thick of the discussion. That this is the case is shown by the large proportion of the titles here enumerated which represent the professional work of lawyers.

The compiler has wisely decided to omit the merely ephemeral literature of the subject; and his principle of exclusion has been conservatively administered. He has appended pithy judicious annotations to each title, a practice which enormously increases the value of the work. The scope of the bibliography is shown by the chapter-headings: General Works, History of Utilities and of Regulation, Franchises, Public Service Commissions, Valuation, Rates, Taxation, Holding Companies, Municipal Ownership. There is an excellent index.